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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,328	07/25/2003	James P. Richmond	ENB-009/(E00378.70188)	2279
959 7590 08/24/2007 LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,328

Applicant(s)

RICHMOND ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/25/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This Final Office Action is responsive to the following communications:
Amendment and IDS filed on 5/21/2007.

2. Claims 1-44 are pending in this case. Applicant amended claims 16-30 and 42-43. Claims: 1, 15, 16, 30-31 and 41-44 are independent.

3. Applicant amended Claim 29 in response to the 35 U.S.C. § 112 2nd para. Rejection cited by the Examiner in the previous Office Action (dated 12/20/2006) with regard to indefiniteness. The Rejection is withdrawn in view of the amendment.

4. Applicant amended Claims 16-28, 29, 30 and 42-43 in response to the 35 U.S.C. § 101 Rejection cited by the Examiner in the previous Office Action (dated 12/20/2006) with regard to statutory subject matter. The Rejection is withdrawn in view of the amendment.

5. Claims 1-44 stand rejected under 35 U.S.C. § 102(e) for being anticipated by United States Patent Publication Number 2003/0208480 to Faulkner et al (hereafter "Faulkner").

INFORMATION DISCLOSURE STATEMENT

6. The information disclosure statement (IDS) filed on 5/21/2007 has been acknowledged and considered by the examiner. The Initial copy of form PTO-1449 is included in this office action.

RESPONSE TO AMENDMENT

The Declaration Under 37 C.F.R. filed on 5/21/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Faulkner reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Faulkner reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Faulkner reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Faulkner reference. In particular, the Faulkner reference claims priority to United States Provisional Patent Application Number 60/377,708 which was filed on May 3, 2002.

CLAIM REJECTIONS - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-44** are rejected under 35 U.S.C. §102(e) as being anticipated by Faulkner et al. (U.S. Pre-grant Pub. 2003/0208480 A1).

As to independent claim 1, Faulkner et al. anticipate a method of enabling a user to edit a table defining a view ("device definition file (DDF) 104" para. [0019]) of a network object database ("The system may then use the DDF information derived from or along with the corresponding MIBs to display the monitoring information to the user. " para. [0033]) including a plurality of network object types, by providing a user interface that enables the user to specify one or more of the plurality of network object types ("provide an interface for the definition" para. [0112]); and in response to the user specifying the one or more network object types, editing at least one column of the table (See column, Fig. 7) to represent at least one of the one or more specified network object types ("These managed objects might contain hardware inventory data, configuration parameters, and performance statistics that directly relate to the current operation of the device. These objects are arranged in what is known as a management information base (MIB). Each managed object has an object identifier..." para. [0003]).

As to dependent claim 2, Faulkner et al. further disclose the network object database including a first group of network object types (e.g. " is the type of

value...<rawValueOid>," para. [0046]) and a second group of network object types ("optional OID specifying the type of data contained in the raw value OID" para. [0047]), wherein the at least one of the network object types belongs to the first group, wherein act includes providing the user interface to enable the user to specify a second object type belonging to the second group (interface, Fig. 7), and the method further comprises: in response to the user specifying the second object type, editing a second column (See column, Fig. 7) of the table to represent the second object type ("The descriptive information may take on any data type such as integer or string, as well as an enumerated data type. Additional descriptive identification strings can be prepended and/or appended to the description of the object contained in the MIB, if any." para. [0040]; See also Fig. 7). Additionally:

"<sensorDataType> is the type of value or data contained in the <rawValueOid>, including `DisplayString`, `Integer`, `am` (Amperes), `dc` (Degrees Celsius), `df` (Degrees Fahrenheit), `fm` (Feet/Minute), `ho` (Hours), `hz` (Hertz), `mi` (Minutes), `mm` (Meters/Minute), `ot` (Other), `pe` (Percent), `rh` (Percent Relative Humidity), `rp` (Revolutions per Minute, or RPMs), `se` (Seconds), `sp` (Special Enumerated Type), `t1` (time in HH:MM:SS:MS format), `t2` (time in HH:MM:SS format), `t3` (time in HH:MM format), `ti` (Time Ticks), `un` (Unknown), `va` (Volts AC), `vd` (Volts DC), `vo` (Volts), `wa` (Watts), among others. Additional types can be defined using the #define statement." (para. [0069]).

As to dependent claim 3, Faulkner et al. further disclose providing the user interface to enable the user to specify the at least one column (See Fig. 7).

As to dependent claim 4, Faulkner et al. further disclose that the network object database is a Management Information Base ("In an additional embodiment, the disclosure is directed to a device definition file. The device definition file includes query instructions for accessing a management information base..." para. [0008]).

As to dependent claim 5, Faulkner et al. further disclose determining whether the first network object type is an indexed network object type ("...the agent will return a list of numeric indices. These indices may then be appended to the original object and iterated through and applied to each following static entry in the table until a new entry is found in the device definition file, starting a new separate query." para. [0061]); if the first network object type is an indexed network object type, determining an indexing variable for the first network object type ("static queries to an index based table. Tabular MIB data is typically found in vendors' MIBS. The table query may be supplied with an object that when queried, the agent will return a list of numeric indices." para. [0061]); and determining whether the indexing variable determined for the first network object type is compatible with an indexing variable being used for the table ("matching the index in the individual tables with the list of indices returned by the agent when the index object was queried." para. [0061]), wherein, act includes editing the at least one column based at least in part on results of act ("Each value found in this column is enumerated through and used as an index for the other OID fields within the table line (and its continuation lines)." para. [0068])(emphasis added).

As to dependent claim 6, Faulkner et al. further disclose determining that the indexing variable of the first network object type is not compatible with the indexing

variable being used for the table, and preventing an editing of a column to represent the first network object type based on the results ("In one exemplary embodiment, the data will not be displayed if the agent does not return a value." para. [0091]).

As to dependent claim 7, Faulkner et al. further disclose providing a compatibility table, the compatibility table including one or more entries, each entry corresponding to an indexing variable ("The table query may be supplied with an object that when queried, the agent will return a list of numeric indices." para. [0061]) and storing a compatibility value mapped to the indexing variable corresponding to the entry ("noQuery type may be used to publish additional data to the user interface that is desirable to be shown with the data being monitored" para. [0091]), wherein accessing an entry of the compatibility table ("A table query instruction may include a reference to a wildcard or MIB branch starting point. The table query may also include a reference to a correlated description OID starting point." para. [0103]) corresponding to the indexing variable of the first network object type and retrieving the compatibility value stored therein ("Using the OIDs" para. [0103]), accessing an entry of the compatibility table corresponding to the indexing variable being used by the table ("A table query instruction may include a reference to a wildcard or MIB branch starting point. The table query may also include a reference to a correlated description OID starting point. " para. [0103]) retrieving the compatibility value stored therein ("correlated with other OIDs indicating description data, as shown at step 410" para. [0103]), and comparing the retrieved compatibility values to determine whether the compatibility values are equal ("...validates that the agent is one that the network

system software knows this data should be displayed for, as long as a token object exists in its MIB. A description of the data being displayed may be specified as well in the device definition file. " para. [0091]).

As to dependent claim 8, Faulkner et al. further disclose for one column, generating request information for retrieving objects of the network object type (See Fig. 7); and generating a document that includes a definition of the table and the generated request information for the at least one column ("...the data access interface 214 may provide an HTML, XML, or plain text file containing requested data associated with the device definition file 210 and devices on the network." para. [0030]; See also Fig. 3)(emphasis added).

As to dependent claims 9 and 10, Faulkner et al. further disclose providing a various types of documents to one or more network devices on a network ("The data access interface 214 may take various forms and communicate using various protocols such as HTTP, SMTP, FTP, and text messaging formats. For example, the data access interface 214 may provide an HTML, XML, or plain text file containing requested data associated with the device definition file 210 and devices on the network." para. [0030]), including network devices using electronic mail ("The network management system 202 may e-mail notifications and data..." para. [0030]).

As to dependent claim 11, Faulkner et al. further disclose configuring the request information in accordance with Simple Network Management Protocol ("The network management system 202 may also include an SNMP-enabled interface 212.

The SNMP-enabled interface 212 may permit communication between the network management system 202 and devices on the network." para. [0029]).

As to dependent claims 12 and 13, Faulkner et al. further disclose formatting the document in accordance with a markup language in accordance with XML ("...HTML, XML...file..." para. [0030]).

As to dependent claim 14, Faulkner et al. further disclose providing a graphical user interface to enable the user to select from among the plurality of network object types (See Fig 7.; See also "The raw value of the object may take on several different types" para. [0038]).

As to independent claim 15, this claim differs from claim 1 only in that it is directed to a product defined by same the process of claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to dependent claims 16-29, these claims are substantially identical to claim 1-14, respectively. Accordingly, these claims are rejected for the same reasons set forth in the treatment of claims 1-14.

As to independent claim 30, this claim is substantially identical to claim 1, where the means for enabling the user to specify was addressed by the specific embodiment recited in claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to independent claim 31, Faulkner et al. disclose a method of editing a portable view definition of a network object database including a plurality of network

object types ("...allows the user to directly manage...network devices" para. [0033]), the method comprising acts of: editing a column of a table to represent one of the plurality of network object types (See Fig. 7); generating request information for retrieving objects of the one network object type ("The device definition file includes query instructions associated with a network device." para. [0006]); and generating a document (e.g. "...file containing requested data associated with the device definition file 210..." para. [0030]) that includes a definition of the table (See Fig. 7), the table definition including the generated request information and a definition of the column ("

As to dependent claim 32, Faulkner et al. further disclose providing a user interface to the user to enable the user to specify the one network object type ("...graphical user-interface that builds the device definition file interactively..." para. [0105]).

As to dependent claim 33, Faulkner et al. further disclose storing the document on a computer-readable medium ("...stored in nonvolatile memory..." para. [0024]).

As to dependent claim 34, Faulkner et al. further disclose providing the document to one or more network devices on a network ("...device definition files 210 may be provided for servers, routers, switches, and other SNMP-enabled networked equipment..." para. [0028]).

As to dependent claim 35, Faulkner et al. further disclose providing the document to at least one of the network devices using electronic mail ("The network management system 202 may e-mail notifications and data..." para. [0030]).

As to dependent claim 36, Faulkner et al. further disclose that the database is a Management Information Base ("In an additional embodiment, the disclosure is directed to a device definition file. The device definition file includes query instructions for accessing a management information base..." para. [0008]).

As to dependent claims 37 and 38, Faulkner et al. further disclose configuring the request information in accordance with Simple Network Management Protocol ("The network management system 202 may also include an SNMP-enabled interface 212. The SNMP-enabled interface 212 may permit communication between the network management system 202 and devices on the network." para. [0029]).

As to dependent claims 39 and 40, Faulkner et al. further disclose formatting the document in accordance with a markup language in accordance with XML ("...HTML, XML...file..." para. [0030]).

As to independent claim 41, this claim differs from claim 1 only in that it is directed to a product defined by same the process of claim 31. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 31.

As to independent claim 42, this claim is substantially identical to claim 31 and is rejected for the same reasons set forth in the treatment of claim 1.

As to independent claim 43, this claim is substantially identical to claim 31, where the specific embodiment for the means limitation was also addressed in claim 31. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to independent claim 44, Faulkner et al. disclose a computer-readable medium having stored thereon a plurality of computer-readable signals ("...stored in nonvolatile memory..." para. [0024]) defining a document comprising: a definition of a table representing a view of a network object database including a plurality of network object types ("...requested data associated with the device definition file 210 and devices on the network..." para. [0030]), the table definition including a column representing one of the network object types of the network object database (See Fig. 7) and request information for retrieving objects of the network object type represented by the column ("The device definition file includes query instructions for accessing a management information base..." para. [0008]).

RESPONSE TO ARGUMENTS

9. Applicant arguments, see p. 11, filed 5/21/2007, with respect to the 35 U.S.C. §112, 2nd para. Rejections cited by the Examiner in the previous Office Action (dated 12/20/2006) have been fully considered and are persuasive. Accordingly, these Rejections have been withdrawn.

10. Applicant arguments, see p. 12, filed 5/21/2007, with respect to the 35 U.S.C. §101 Rejection cited by the Examiner in the previous Office Action (dated

12/20/2006), have been fully considered and are persuasive. Accordingly, these Rejections have been withdrawn.

11. Arguments concerning the Faulkner's availability as a reference have been fully considered but they are not persuasive.

Applicants contend that the Faulkner reference is not available as prior art against the present application. Applicants argue the claimed invention was completed by Applicants in the USA prior to the publication date of the Faulkner reference. A sworn statement to this effect, along with supporting evidence, was provided in the enclosed Declaration Under 37 C.F.R. § 1.131 signed by an authorized representative of the assignee, Enterasys Networks, Incorporated.

However, the Examiner disagrees as noted above, the Affidavit (filed 5/21/2007) and Exhibit C (filed 5/21/2007) do not contain the requisite facts showing a completion of the invention commensurate with the extent of the invention as claimed.

CONCLUSION

12. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action:

[1] Poulin (US 20020174107 A1) for teaching a method of performing transactions over an electronic network by defining data entries for objects represented in the network the data entries including metadata represented as a web-readable document for an object and the entries including a keyword that represents network information or user process information related to the object and associating an object file with an entry that corresponds to the object being represented.

[2] Hasan et al. (US 20030028624 A1) for teaching a virtual management system for a network facility having a plurality of components which can be organized as objects for presentation in a virtualized environment.

[3] Gieseke et al. (US 20030074430 A1) for teaching a provisioning server object model and method that manages configuration and tasking of devices, elements, or links of networks and utilizes an object oriented design and object cache that allows the provisioning server to generate configuration responses for network elements, command lists, network state, and import and export configuration information.

[4] Low (US 20030101251 A1) for teaching a system and method providing a flexible and customizable element management system (EMS) through the use of Universal Modeling Language (UML) models for each of the elements of the EMS.

[5] Hasan et al. (US 20030110262 A1) for teaching a network service administration system including service and address objects with a configuration application for a multifunction appliance running on a client computer coupled to the appliance via a network and allowing subscribers to configure at least a subset of application content services provided by the appliance with a rule set based on changes to configurations of any other of the application content services.

[6] Brinkmoeller et al. (US 20030131014 A1) for teaching processing data objects having data items by classifying each data object and storing write-enabled data objects in a database, and archiving read-only data objects. The archiving includes converting the data objects to markup objects, wherein each markup object represents the data items of the corresponding data object, concatenating the markup objects to a single data structure that is byte addressable, and indexing object identification for each markup object to addresses of the data structure.

[7] Hubbard et al. (US 20040088432 A1) for teaching a system and method for managing configuration attribute data associated with storage devices using Extensible Markup Language (XML).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

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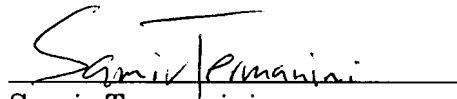
any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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